

## LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

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**P.A.S.:** Change of Zone #3346

**DATE:** October 31, 2001

**PROPOSAL:** A request to change the zoning from I-1 Industrial to H-3 Highway Commercial on property generally located at N. 1<sup>st</sup> and Charleston.

**LAND AREA:** 50.5 acres, more or less

**CONCLUSION:** A Change from I-1 Industrial to H-3 Highway Commercial zoning would reduce the number of permitted uses and increase the required yards.

The I-1 zoning district permits all uses, except those which are specifically excluded or designated as special permitted uses. H-3 removes some permitted I-1 uses, such as paper mills and other manufacturing, which might be incompatible with the proposed student housing. However, warehouses, assembly facilities and dry cleaning establishments are all permitted under H-3 zoning.

H-4 zoning with a special permit for Planned Service Commercial would allow the area to be planned and would mitigate the potential environmental concerns on the property while permitting uses which are compatible with the proposed residential uses to the west.

<b><u>RECOMMENDATION:</u></b>	Deferral to allow further discussion with applicant
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### **GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** Lot 71 I.T., located in Section 23, T10N, R6E; Lot 263 I.T., located in Section 22, T10N, R6E; and Lot 81 I.T., located in Section 15, T10N, R6E, Lancaster County, Nebraska.

**LOCATION:** N. 1<sup>st</sup> Street and Charleston Street

**APPLICANT/  
OWNER:** Chameleon & Company, Inc.  
641 Pier 1  
Lincoln, NE 68528

**CONTACT:** Ron Ross  
Ross Engineering  
201 N. 8<sup>th</sup> Street - Suite 401  
Lincoln, NE 68508  
474-7677

**EXISTING ZONING:** I-1 Industrial

**EXISTING LAND USE:** Vacant

**SURROUNDING LAND USE AND ZONING:**

North:	I-1	Miniwarehouses and commercial building
South:	I-1	Railroad tracks and an industrial park further south
East:	P	City impound lot
West:	I-1	Veterinary clinic

**HISTORY:** On **October 17, 2001**, Planning Commission recommended the approval of Change of Zone #3329 and Special Permit #1928 on property to the west. If these items are approved by City Council, the zoning would change to R-3 and the Community Unit Plan would permit 157 dwelling units, including 120 dwellings for non-related persons.

This area was converted from K Light Industrial and L Heavy Industrial to I-1 Industrial in the **1979 zoning update**.

**COMPREHENSIVE PLAN SPECIFICATIONS:** The Land Use Plan designates this area as Industrial.

From Industrial Land:

*Goals*

- *Provide adequate and appropriately located areas for industrial development... (p 68)*

From Wetland and Water Bodies:

*Goals*

- *Maintain, preserve and enhance existing wetlands and restore degraded wetlands. (p 70)*

From Future Commercial Needs and Plan:

*Goals*

- *Provide geographically convenient and accessible retail areas throughout the City and County so as to provide the widest possible variety of goods and services.*
- *Discourage strip development and spot zoning and encourage more compact and higher quality retail and commercial development.*
- *Provide for the location of employment areas at sites which are convenient to existing and proposed residential areas throughout the county and accessible from the existing or proposed transportation system.*
- *Discourage strip development and encourage more compact and higher quality development.*
- *Assure that economic development is accomplished with respect for environmental quality. (p 54)*

From Urban Design and Historic Preservation:

**A. Urban Design**

*Goals*

- *Protect and improve important vistas and entryways to the city. (p 175)*

**TOPOGRAPHY:** Flat

**TRAFFIC ANALYSIS:** The Department of Public Works & Utilities notes that the potential relocation of Sun Valley Boulevard crosses this property. Direct access to the new street will be limited or prohibited.

**ENVIRONMENTAL CONCERNS:** Development in the flood plain. Preservation of saline wetlands. The presence of a former landfill on site.

**AESTHETIC CONSIDERATIONS:** H-3 zoning permits parking in the front yard setback. The proposed zoning would allow, by right, development similar to West "O" Street or portions of Cornhusker Highway; a planned business district would allow public review of development proposals.

**ALTERNATIVE USES:** H-4 zoning with a special permit for Planned Service Commercial. The special permit could limit uses, such as warehouses, which are not desirable adjacent to the proposed student housing.

**ANALYSIS:**

1. The Comprehensive Plan lists criteria for the review of zoning proposals. These include portions of Nebraska Revised Statutes Section 15-902;
  1. **Safety from fire, flood and other dangers;**  
The entire parcel is within the 100 year flood plain.
  2. **Promotion of the public health, safety, and general welfare;**  
The area of the proposed change of zone contains a former landfill.
  3. **Consideration of the character of the various parts of the area, and their particular suitability for particular uses, and types of development;**  
Planning Commission recommended approval of a change of zone to R-3 Residential with a Community Unit Plan on property to the west. The realignment of Sun Valley Boulevard, the construction of Haymarket Park, and the proposed student housing development are examples of public and private investment to improve this neighborhood. Development of this parcel should be planned so that it will not feature strip commercial, will be in harmony with the surrounding improvements, and presents an appealing entryway to the City.
  4. **Conservation of property values; and**  
If the change to H-3 spurs development on the property, this change of zone would increase its value. Under I-1 zoning, this property has been vacant for decades.
  5. **Encouraging the most appropriate use of land throughout the area zoned, in accordance with a comprehensive plan.**  
The Land Use Map identifies this area as Industrial. If an application does not match the Land Use Map but does meet the zoning criteria it can be found in conformance with the Comprehensive Plan.

**b. Rezoning and Comprehensive Plan Amendments.** The city and county future land use plans are specific maps. In some situations, applications will be made for land use changes that are not in conformance with those maps. In each case, the Planning Department will complete an advisory review of Comprehensive

Plan compliance for the Planning Commission and the City Council or County Board. This assessment will follow these guidelines:

- If an application is generally consistent with the land use map and the zoning criteria, it will be considered to be consistent with the comprehensive plan.
- If an application is not consistent with the land use maps but meets the zoning criteria, the proposal will be found to be inconsistent with the land use plan but compliant with the general concepts of the comprehensive plan. An amendment to the land use plan may be approved along with the rezoning proposal. The land use plan can then be updated on an annual basis to remain current. (Amendment 9416)
- If an application is inconsistent with both the land use plan and zoning criteria, it will be considered to be inconsistent with the comprehensive plan. Approval of the project will require an amendment to the comprehensive plan. (p 190)

There are seven specific criteria established in the Plan for review including;

**a. Infrastructure: the availability of the water, sewer, drainage and the transportation systems.**

Water and sewer are generally available. The State Department of Roads has filed corridor protection in the area in anticipation of the realignment of Highway 6/Sun Valley Boulevard, which is shown as connecting to N. 1<sup>st</sup> Street.

**b. Compatibility: harmony and suitability with the surrounding land uses and the natural environment.**

This is an environmentally sensitive site - it contains a former landfill and saline wetlands. This property is at least 85 feet away from the closest proposed apartment building.

**c. Health and Safety: protection against natural and man-made hazards including noise; air, ground and water pollution; flooding; and hazards from industrial or agricultural processes or products.**

Any development in this area would have to comply with the City's flood plain regulations. The proposed zone allows fewer uses than I-1, although it includes uses, such as coal yards and warehouses, which may be incompatible with the proposed residential uses to the west.

**d. Physiographic Features: the topography, suitability of proposed land uses with streams, lakes, soil types, natural vegetation or wildlife habitat.**

The City's saline wetlands inventory identifies a Category I saline wetland on the western portion of the property.

**e. Accessibility: availability, or lack thereof, of public transportation, arterial connections and pedestrian linkages.**

Sun Valley Boulevard/N. 1<sup>st</sup> Street is identified as a Principal Arterial in the Future Functional Street and Road Classification.

**f. Open Space: availability of sufficient open space and recreational areas to accommodate a project's residents and employees.**

H-3 zoning requires more open space than I-1 zoning, although it permits parking in the front yard while I-1 does not.

2. The following table compares the yard requirements of I-1 and H-3 zoning:

District	Front Yard	Side Yard	Rear Yard
I-1	15'	0' (smaller of 20' or 10% of lot width if abutting residential district)	0' (smaller of 20' or 10% of lot width if abutting residential district)
H-3	30' <sup>†</sup>	Smaller of 15' or 10% of lot width (20' if abutting residential district)	Smaller of 30' or 20% of lot depth

<sup>†</sup>Parking is permitted in the front yard.

3. The on-site wetlands and landfill present unique environmental challenges which can be addressed more effectively through a planned commercial district such as H-4 with a special permit for Planned Service Commercial. This would permit the area to be planned and would mitigate the potential environmental concerns as well as ensure compatibility with surrounding uses.

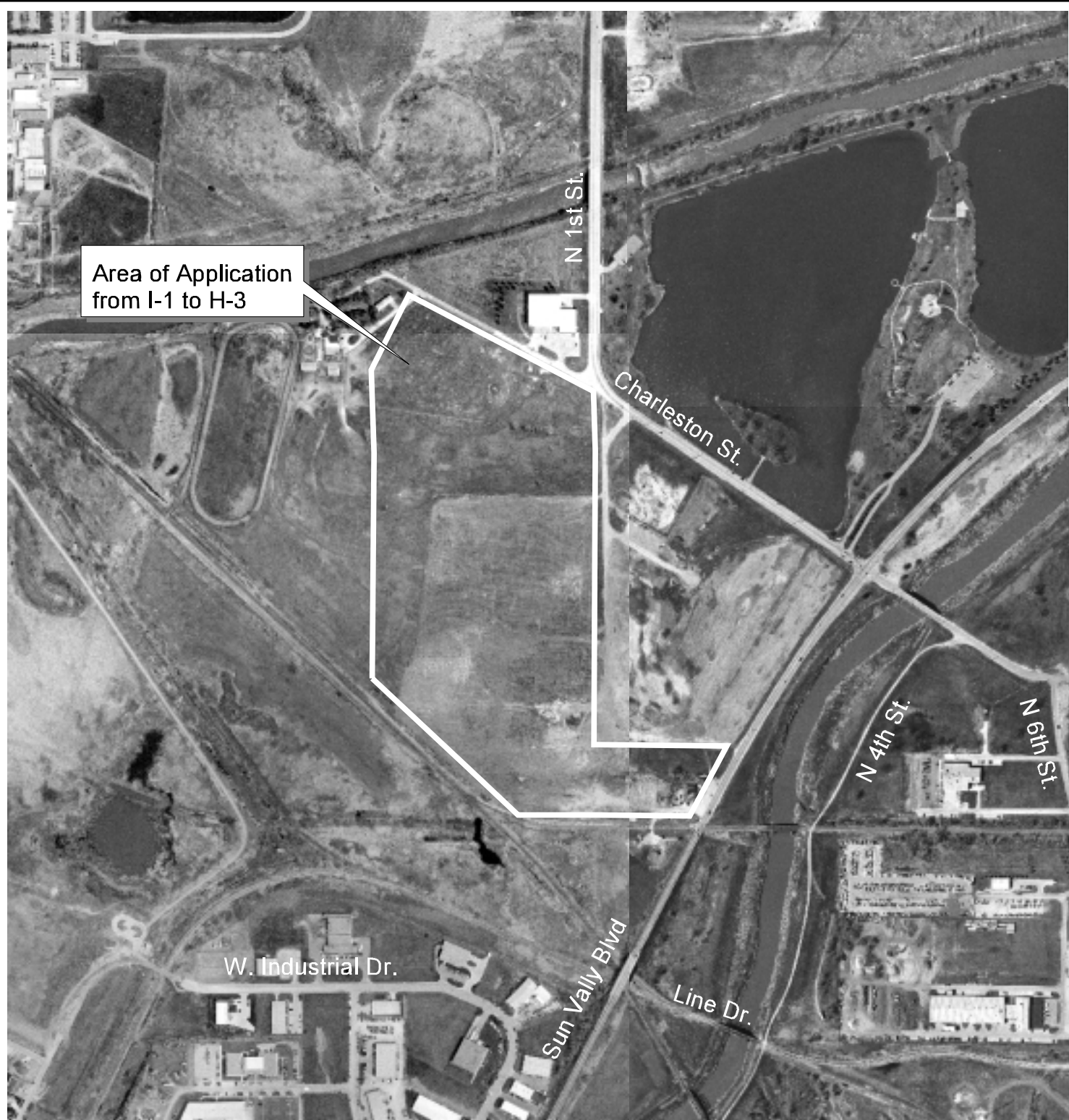
Prepared by:

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Jason Reynolds

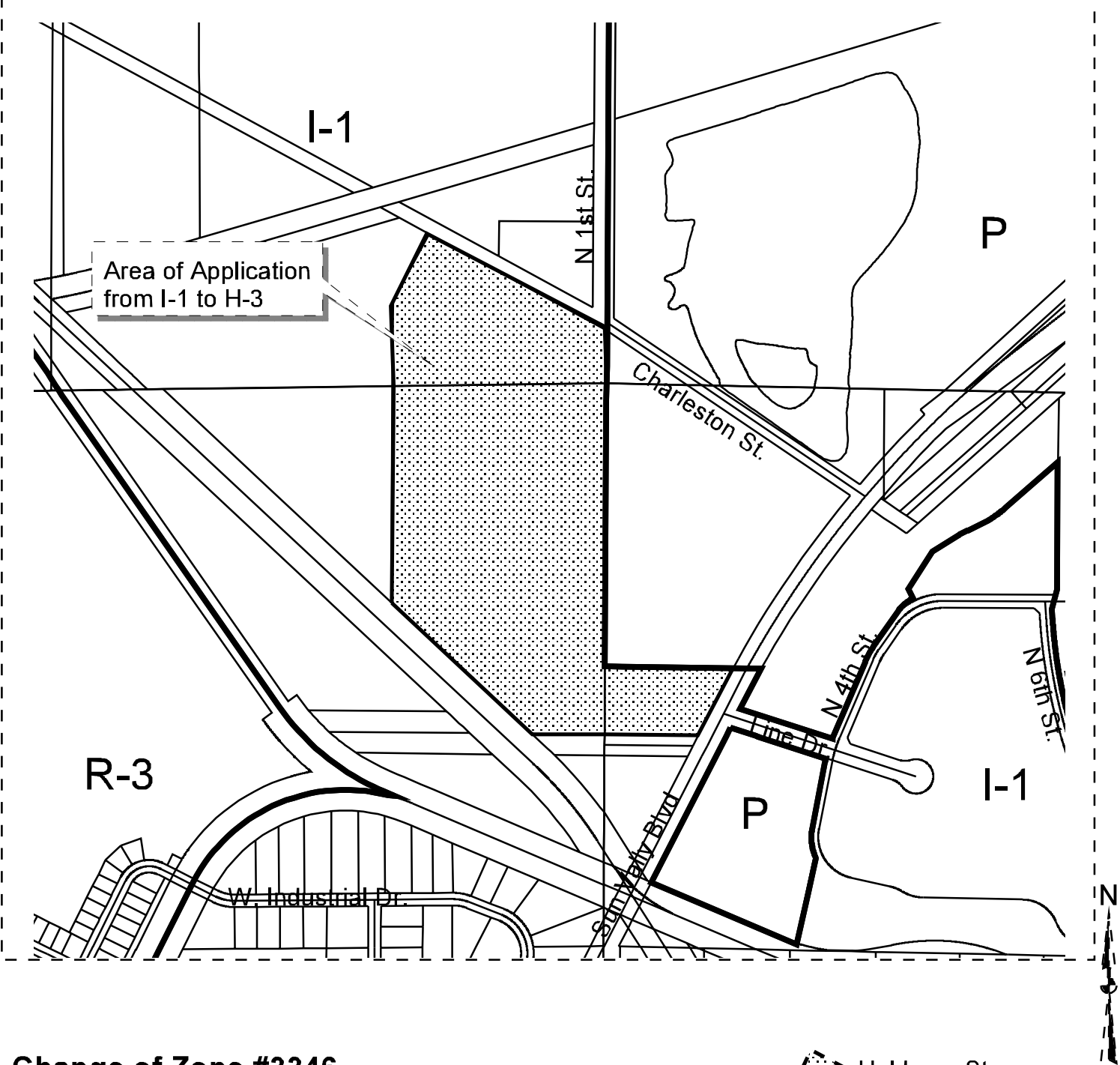
Planner

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**Change of Zone #3346  
N. 1st & Charleston St.**



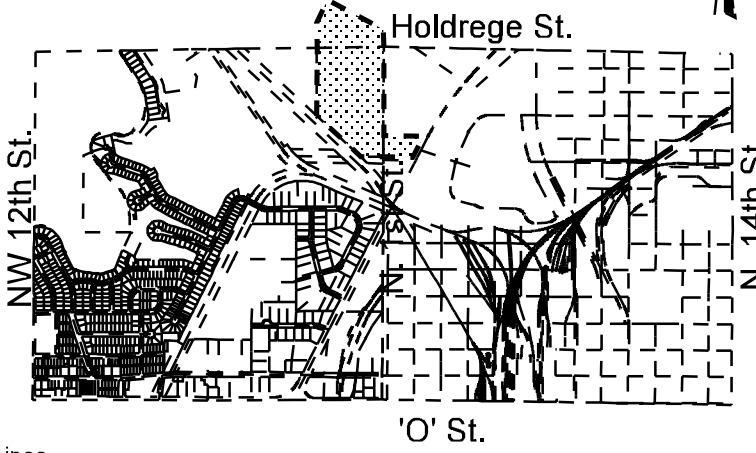
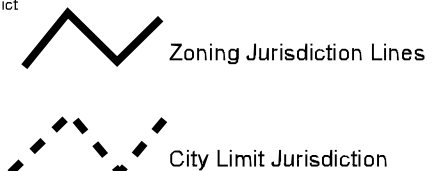


## Change of Zone #3346 N. 1st & Charleston St.

### Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

Two Square Mile  
Sec. 22 T10N R6E  
23 T10N R6E



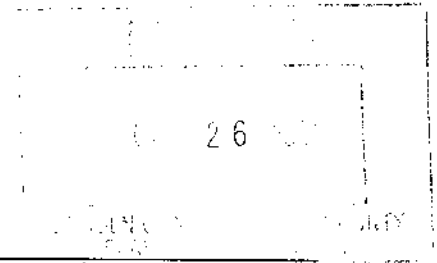
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OCT 31 2001

LINCOLN CITY/LANCASTER COUNTY  
PLANNING DEPARTMENT



# M e m o r a n d u m



**To:** Jason Reynolds, Planning

**From:** *M* Dennis Bartels, Engineering Services

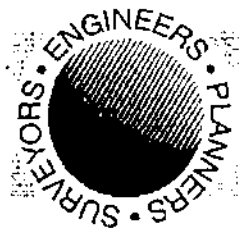
**Subject:** Change of Zone 3346, I1 to H3

**Date:** October 25, 2001

**cc:** Roger Figard  
Nicole Fleck-Tooze  
Virendra Singh

Engineering Services has reviewed the proposed change zone located west of Sunvalley south of Charleston and has the following comments:

1. The area of the change of zone is in the flood plain and has areas of potential wetlands and was previously used as a landfill. Consideration should be given to a planned commercial district. This may give more flexibility to the developer and the City to plan for and mitigate the potential environmental concerns about this property.
2. The potential relocation of Sunvalley Boulevard crosses this property. Direct access to the new street will be limited or prohibited.



**ROSS**  
**E**ngineering,  
**I**nc.

October 18, 2001

Lincoln - Lancaster County Planning Commission  
555 South 10<sup>th</sup> Street  
Lincoln, Nebraska 68508

Re: Change of Zone  
Chameleon & Company, Inc.  
No. 1<sup>st</sup> Street and Charleston Street  
Lincoln, Nebraska  
REI Project No. 129801-N

**ESTABLISHED**  
**1974**

*Innovative  
Designs  
For the  
Future of  
Tomorrow*

Dear Ladies and Gentlemen:

On behalf of Chameleon & Company, we are herewithin submitting an Application for a Change of Zone from I-1 Industrial District to H-3 Highway Commercial District, for approximately 50.049 acres of land referred to as Lot No. 81 I.T., 203 I.T., and 71 I.T., generally located south and west of the intersection of No. 1<sup>st</sup> Street and Charleston Street. The purpose of this request is to plan for this area to be part of the redevelopment of this general area and to use the property for commercial purposes allowed by the H-3 District.

Enclosed you will find the following:

1. Petition to Amend the Zoning Ordinance
2. Change of Zone Exhibit
3. Filing Fee in the amount of \$585.00

Sincerely,

**ROSS ENGINEERING, INC.**

Ron E. Ross, PE  
President

Cc: Gary Nicholson

The Candy Factory  
201 North 8th Street  
Suite 401  
Lincoln, NE 68508  
Phone 402.474.7677  
Fax 402.474.7678

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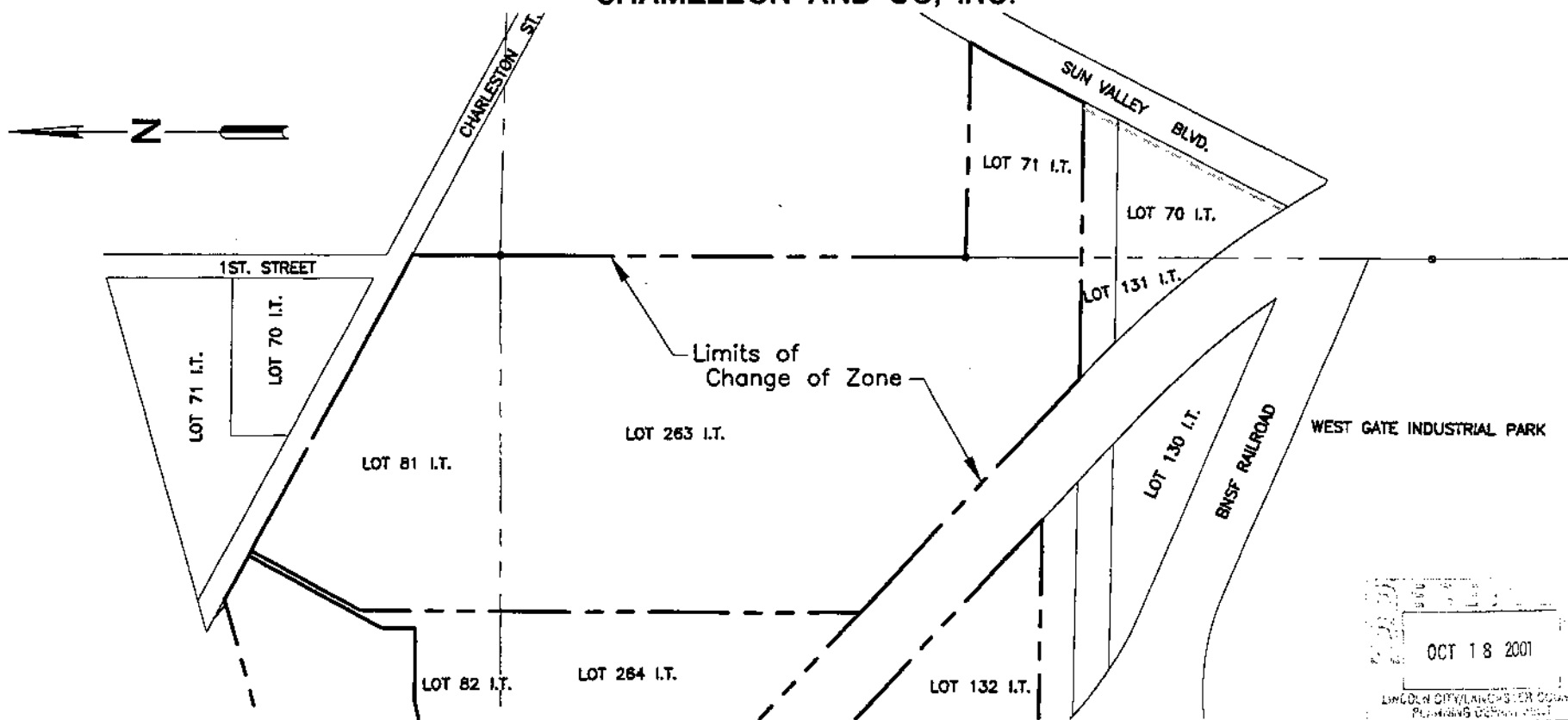
OCT 18 2001



**Ross**  
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Inc.

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201 North 8th Street, Suite 401  
Lincoln, NE 68508  
Phone 402-424-7677  
FAX 402-424-7678

# CHANGE OF ZONE EXHIBIT FOR I-1 to H-3 CHAMELEON AND CO, INC.



10-16-01 Project No. 129801-N

3346

North 1st Street and Charleston Street

Lincoln, Nebraska October 18, 2001

2000-01-01  
2000-01-01